



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,366	12/27/2000	Jonathan S. Goldick	MS 154771.1/40062.95-US-0	7308

23552 7590 10/23/2002

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,366

Applicant(s)

GOLDICK, JONATHAN S.

Examiner

Cindy Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is in response to application filed on December 27, 2000 in which claims 1-21 are presented for examination.

1. Specification

The following has not been considered because it is not readily accessible to the Examiner: "Inside Windows NT, Second Edition" by David Soloman, Microsoft Press 1998. See page 12, line 6 of the specification. For proper consideration, Applicant is requested to supply a copy of the above noted excerpt.

2. Claim objections

Claims 13-16 are objected to because of the following informalities: "may be" has to be clarified. Does applicant intend to claim those limitations? Appropriate correction is required.

Claims 15-16 are objected to because of the following informalities: "System" has to be replaced by -the computer-readable medium-. Appropriate correction is required.

3. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

Art Unit: 2171

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Parker et al. (U.S. 6366930) (Parker).

Regarding claim 1, Parker disclose: a method of providing version-specific information (as historical signature) associated with a file stored in a computer system to an application (col. 9, lines 60-65, Parker), the method comprising:

Receiving a request to create a version specific attribute, wherein the attribute is associated with the file (col. 9, lines 65 to col. 10, line 5, Parker);

Maintaining the version specific attribute to reflect relevant updates to the file by automatically invalidating the version-specific information in response to predetermined access requests (col. 10, lines 5-11, Parker);

Receiving a request by the application to evaluate the version specific attribute (col. 10, lines 12-17, Parker);

Providing the version specific information to the application in response to the request to evaluate the version specific attribute (col. 10, lines 38-43, Parker).

Art Unit: 2171

Regarding claim 2, the limitations of this claim have been noted in the rejection of claim 1. In addition, Parker discloses: wherein the application is a virus scan application (col. 9, lines 23-37, Parker).

Regarding claim 3, the limitations of this claim have been noted in the rejection of claim 1. In addition, Parker discloses: wherein the application is a replicator application (col. 6, lines 62-67, Parker).

Regarding claim 4, the limitations of this claim have been noted in the rejection of claim 1. In addition, Parker discloses: wherein the version specific attribute comprises meta information (col. 7, lines 65 to col. 8, lines 6, Parker) and mask information (col. 7, lines 56-67, Parker), the mask information providing information related to which predetermined events invalidate the version specific attribute (col. 9, lines 14-16, Parker).

Regarding claim 5, the limitations of this claim have been noted in the rejection of claim 1. In addition, Parker discloses: wherein the predetermined event is an update to file data (col. 9, lines 19-20, Parker).

Regarding claim 6, the limitations of this claim have been noted in the rejection of claim 1. In addition, Parker discloses: further comprising: providing mask information as part of the version specific attribute (col. 9, lines 41-58, Parker) and determining the predetermined event based on the mask information (col. 12, lines 44-53, Parker).

Art Unit: 2171

Regarding claim 7, the limitations of this claim have been noted in the rejection of claim 1. In addition, Parker discloses: wherein the method further comprises: providing security information within the version specific attribute (col. 10, lines 23-29, Parker).

Regarding claim 8, the limitations of this claim have been noted in the rejection of claim 1. In addition, Parker discloses: wherein the invalidating act further comprises deleting the version specific attribute (col. 10, lines 52-56, Parker).

Regarding claim 10, Parker discloses: a method of accessing a file stored in a computer system (col. 11, lines 54-57, Parker), the file having an associated version-specific attribute receiving an access attempt relating to an access request (col. 14, lines 2-6, Parker);

Determining whether the access attempt relates to an invalidating access (col. 14, lines 26-29, Parker).

If the access attempt relates to an invalidating access: invalidating the version specific attribute; performing the access operation related to the access request (col. 15, lines 37-40, Parker); and

If the access attempt does not relate to an invalidating access then performing the access operation related to the access request (col. 15, lines 41-47, Parker).

Regarding claims 9 and 12, the limitations of these claims have been noted in the rejection of claims 1 and 10, respectively. In addition, Parker discloses: a computer program product readable by a

Art Unit: 2171

computer and encoding instructions for executing the method recited in claim 1 (col. 6, lines 37-56, Parker).

Regarding claim 11, the limitations of this claim have been noted in the rejection of claim 10. In addition, Parker discloses: wherein if the access attempt does not relate to an invalidating access, then said method further comprises determining whether the access depends on the version specific attribute (col. 15, lines 55-56, Parker);

If the access does not depend on the version specific attribute, then performing the access operation related to the access request (col. 16, lines 1-4, Parker);

If the access depends on the version specific attribute; determining whether the attribute is valid (col. 15, lines 49-52, Parker); performing a predetermined operation based on whether the attribute is determined to be valid (col. 15, lines 63-64, Parker).

Regarding claim 13, Parker discloses: a computer readable medium having stored thereon a data structure (col. 7, lines 55-61, Parker); an actual file data section containing actual file data (col. 5, lines 61-67, Parker); a header section (col. 8, lines 11-19, Parker) and a version specific attribute section (col. 9, lines 33-37, Parker), may be created by a third party application (col. 9, lines 63-64, Parker), and wherein the version-specific attribute may be invalidated in response to a predetermined event (col. 9, lines 14-16, Parker).

Art Unit: 2171

Regarding claim 14, the limitations of this claim have been noted in the rejection of claim 13. In addition, Parker discloses: a meta information section for storing the name of the attribute (col. 9, lines 40-41, Parker);

A version information section for storing information related to the version of the third party application said to create the version specific application (col. 9, lines 45-58, Parker); and

A mask information section for storing information related to predetermined events for invalidating the version specific attribute (col. 9, lines 14-16, Parker).

Regarding claim 15, the limitations of this claim have been noted in the rejection of claim 14. In addition, Parker discloses: wherein the third party application performs virus scanning function and wherein the version information section stores information related to a virus definition file (col. 9, lines 23-37, Parker).

Regarding claim 16, the limitations of this claim have been noted in the rejection of claim 14. In addition, Parker discloses: wherein the predetermined event relates to a modification of the data structure (col. 6, 37-56, Parker).

Regarding claim 17, Parker discloses: a computer program product readable by a computer (col. 7, lines 55-61, Parker) and encoding instructions for executing a computer process for managing version-specific information for a file within a file system (col. 8, lines 11-19, Parker), said computer process comprising: storing version specific information as an attribute to create a version specific

Art Unit: 2171

attribute for the file (col. 9, lines 41-58, Parker); invalidating the version-specific attribute in response to a predetermined access attempt (col. 6, lines 37-42, Parker).

Regarding claim 18, the limitations of this claim have been noted in the rejection of claim 17. In addition, Parker disclose: the computer comprises a file system (col. 4, line 17, Parker) and the act of storing an invalidating are performed by the file system (col. 4, lines 18-46, Parker).

Regarding claim 19, the limitations of this claim have been noted in the rejection of claim 17. In addition, Parker discloses: wherein the version specific information relates to third party application information (col. 9, lines 45-58, Parker).

Regarding claim 20, the limitations of this claim have been noted in the rejection of claim 19. In addition, Parker discloses: wherein the third party application is a virus scanning functions and wherein the predetermined access attempt relates to a modification of the file (col. 9, lines 23-37, Parker).

Regarding claim 21, the limitations of this claim have been noted in the rejection of claim 17. In addition, Parker discloses: wherein the version specific attribute remains following one of the following access attempts copy (col. 2, line 67, Parker), rename or backup (col. 3, lines 32-38, Parker).

5. Contact Information

Art Unit: 2171

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN
Cindy Nguyen
October 15, 2002

Uyen Le
AU 2171